

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

PAYLESS SHOESOURCE, INC.

PLAINTIFF

VS.

CIVIL ACTION NO. 3:09CV378TSL-JCS

SOUTHEAST PROPERTIES I, LC

DEFENDANT

ORDER

On October 5, 2009, the court entered an order requiring plaintiff to show cause, by October 13, 2009, why this case should not be remanded to state court based on this court's lack of subject matter jurisdiction. Despite having been granted an extension of time, until October 23, 2009, in which to file its response, plaintiff has failed to provide any response to the order to show cause. Accordingly, for the reasons set out in the court's October 5 order, the court concludes that it lacks subject matter jurisdiction, and thus, will remand the case to Rankin County Chancery Court.

It is ordered that this case is remanded to Rankin County Chancery Court.

SO ORDERED this 27th day of October, 2009.

/s/ Tom S. Lee_____
UNITED STATES DISTRICT JUDGE